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### Fictional and Non-Fictional Professors of Civil [i.e. Roman] Law and Detective Stories

**Citation for published version:**

Cairns, JW, *Fictional and Non-Fictional Professors of Civil [i.e. Roman] Law and Detective Stories*, 2013, Web publication/site, Edinburgh Legal History Blog. <<http://www.elhblog.law.ed.ac.uk/2013/07/25/fictional-and-non-fictional-professors-of-civil-i-e-roman-law-and-detective-stories/>>

**Link:**

[Link to publication record in Edinburgh Research Explorer](#)

**Document Version:**

Publisher's PDF, also known as Version of record

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## Fictional and Non-Fictional Professors of Civil [i.e. Roman] Law and Detective Stories

Posted on 25/07/2013 by [John Cairns](#)

Q. D. Leavis famously scorned detective fiction as one of the evils of the modern world. Other guardians of “high” culture have likewise despised it. The problem was not that detective fiction could simply be dismissed as part of “low” culture, but that it was appreciated and enjoyed by the professional and upper classes, with “middlebrow” tastes: those who might laugh at the Sitwells, and announce that the Emperors wore no clothes, but whose social position meant their views could not be ignored. It is not that Leavis scorned popular culture – it fascinated her – but she was sceptical of the mass culture of the modern world as “levelling down ... taste” as Ian McKillop puts it in his biography of her in the ODNB. Modern literary criticism differs in approach from that of Q. D. and F. R. Leavis, and despises canons such as that of the “Great Tradition”. While one would not necessarily argue that Dorothy L. Sayers’ detective stories were comparable to the novels of Jane Austen, it is difficult to accept the attacks of Leavis, Edmund Wilson, and W. H. Auden in the terms in which they stated them.

Your blogger is a keen fan of detective fiction – Queenie Leavis would shake her head in dismay at the poor moral example – and has even published a letter about the appearance of David Daube, sometime Regius Professor of Civil Law in the University of Oxford, in detective fiction in the *Rechtshistorisches Journal* (a periodical your blogger much enjoyed and now misses). This was stimulated by a review of a detective novel by Sarah Caudwell (Sarah Cockburn) by Bernard Stolte. In one of her novels, with her legal historian detective, Caudwell mentions David Daube, and Stolte suggested this was perhaps the first time he had been mentioned in detective fiction. You blogger suggested there may have been an earlier mention by Amanda Cross (Carolyn Heilbrun): see “Detektive Gesucht” (1991) 10 *Rechtshistorisches Journal* 444.

In recent years there have been a number of talented Scottish writers of detective fiction, of whom Ian Rankin is perhaps only the best known. There have been sufficiently many of these to have merited the description “tartan noir”, the term attributed to the US crime writer James McEllroy. Tastes differ, but your blogger rather likes the gruesomely violent but also funny novels by Stuart MacBride set in Aberdeen, with a hero more morally ambiguous than many. He also likes the gentler novels set in Glasgow by Alex Gray. He likes least the Laidlaw novels by William McIlvanny, which can be seen almost as modern Kailyard. But ones about which your blogger is unreservedly enthusiastic are those of Denise Mina. Her writing is excellent; although your blogger has to confess to not having read any of her graphic novels.

According to her website, Mina is a law graduate of the University of Glasgow, who went to the University of Strathclyde, also in Glasgow, to pursue research for a Ph.D. while teaching criminal law and criminology; but instead of a Ph.D. thesis she wrote her first novel, *Garnethill*. Recently she has been producing a series of novels which are a sophisticated version of the police procedural, set in Glasgow and its environs, with at their centre a woman police sergeant, Alex Morrow. The books are richly textured and avoid many of the clichés of the genre, while giving a broad and vivid picture of modern Glasgow – one not confined to the usual tenement closes, sandshoes, and hard men with razors. Characters are convincing and well drawn. The plotting is good.

In the first of these novels, a significant character is a Muslim, educated at one of Glasgow’s private schools, who has studied law at the University. The complexity of the character’s position, both of Scottish society and also outside it, is well considered. In the course of the investigation, of which this character is for a while a target, Morrow and a D.C. visit the University of Glasgow to speak to the Professor of Civil Law with whom he had

studied. The professor is depicted as an unattractive figure: pompous, snobbish, self-important, and ~~even worse~~ having gone to a leading public school in Edinburgh! The description of his room in the University does, however, ring true! One suspects he is not at one with the modern university world of targets and REF. Having known every Douglas Professor of Civil Law in the University of Glasgow, other than the first, Tony Thomas, your blogger can give assurance that this character is most certainly not based on any of them! It may be a composite of a number of teachers that Mina did not care for; but it may be pure invention. It is rather good that he has what comes across as an affectedly Gaelic name, Tormod MacLeòid, perhaps indicating the affectation of the character; but it is interesting to reflect that it is the name of the founder of clan MacLeod and can be rendered as Norman MacLeod – there have been a few men of that name famous. Perhaps there is a private joke here. He does at least set out some – if not all – of the advantages of studying Civil Law. But the reader also wonders: are we just seeing him through the eyes of the very class-conscious Morrow, who demonstrates a Scottish, working-class resentment of someone whom she suspects of thinking himself better than her? Mina, in all the Morrow novels, is certainly very attuned to issues of social class in Glasgow and the significance there of private education and its impact on the lives of her characters.

However this may be, the novel is excellent, though I found the resolution through redemption at the end not entirely convincing.



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